



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/782,558

02/19/2004

Willis J. Mullet

WAY.P.US0075

6336

7590

08/25/2006

Phillip L. Kenner
RENNER, KENNER, GREIVE, BOBAK, TAYLOR & WEBER
Fourth Floor
First National Tower
Akron, OH 44308-1456

EXAMINER

BROWN, VERNAL U

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,558

Applicant(s)

MULLET ET AL.

Examiner

Vernal U. Brown

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24,26-31 and 33-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24,26-31 and 33-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communication filed on June 12, 2006.

Response to Amendment

The examiner has acknowledged the amendment of claims 1,7,9, 26-29, 31, 33, 46, and the addition of claims 50-53.

Response to Arguments

Applicant's arguments filed June 12, 2006 have been fully considered but they are not persuasive.

Regarding applicant's argument regarding the reception of wireless control signal by the operator and the device to control to control the barrier, Burgess teaches the signal 109 receive by the operator 110 through it receiver 104 is use to operate the electrical load (col. 4 lines 15-25) and the signal 132 receive by the device is also transmitted to the operator for controlling the electrical load (col. 7 lines 30-37). The signal received by the device is consider an operational signal because it used to operate the electrical load independent of the signal receive through the transmission path 109. Dykema et al. teaches a single button associated with each garage door (col. 6 lines 3-9) and the button is used to transmit control signal to operate the garage door (col. 6 lines 45-60)

Regarding applicant's argument that the prior art of record does not teach a wall station, a keyless entry transmitter or a remote transmitter for performing the function as claimed, it is the examiner's opinion that the limitation of a wall station, a keyless entry transmitter or a remote transmitter is in the alternative form and the remote transmitter as taught by Dykema et al. satisfy the limitation.

Regarding applicant's argument regarding claim 4, Dykema et al. teaches the fixture control lighting of a house (col. 6 lines 44-48).

Regarding applicant's argument regarding claim 9, Burgess teaches the signal 109 receive by the operator 110 through it receiver 104 rendering the barrier command separately receivable.

Regarding applicant's argument regarding claim 29, Dykema et al. teaches the antenna is dynamically tuned to selectively adjust the frequency of the transmitted or received signal (col. 8 lines 5-9) suggesting a first and second frequency for transmitting and receiving the control signal.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 14-23, 26-31, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykema et al. US Patent 5661804 in view of Burgess US Patent 6617975.

Regarding claims 1,3, 14-15, 26, and 50, Dykema et al. teaches an operator system for a motorized barrier, comprising: an operator (43) which controls the motorized barrier and the operator is capable of receiving wireless signals to control the motorized barrier (col. 6 lines 55-

Art Unit: 2612

66); a device (66) which controls an electrical load, the device is capable of receiving wireless signals to control said load (col.6 lines 53-60). Dykema et al. teaches a single button associated with each garage door (col. 6 lines 3-9) and the button is used to transmit control signal to operate the garage door (col. 6 lines 45-60). Dykema et al. is however silent on teaching the transmitter generating wireless signals for independent operation of the operator and the device. Burgess in an art related remote operated access system teaches a system for a motorized barrier (col. 3 lines 14-16) teaches an operator 114 receiving a wireless signal 132 and a device 110 receiving wireless signal 109 via its receiver 104 to control a load (col.4 lines 22-26). The wireless signal received by the operator and are independently received from the transmitter 108 as shown in figure 2 because there is an independent transmission path from the transmitter to the operator and the device. Burgess teaches the signal 109 receive by the operator 110 through its receiver 104 is use to operate the electrical load (col. 4 lines 15-25) and the signal 132 receive by the device is also transmitted to the operator for controlling the electrical load (col. 7 lines 30-37). The signal received by the device is consider an operational signal because it used to operate the electrical load independent of the signal receive through the transmission path 109. The operator and the both receive the same frequency because transmission to the device and the operator is a result of pressing a button on the remote transmitter for transmitting a code (col. 7 lines 30-37) in order to facilitate the code learning process.

It would have been obvious to one of ordinary skill in the art for the transmitter to generate wireless signals for independent operation of the operator and the device as suggested by Burgess in order to provide a means for the device and operator to the learn the control codes.

Art Unit: 2612

Regarding claims 2 and 7, Dykema et al. teaches a remote transmitter 65.

Regarding claims 4, and 27-28, Dykema et al. teaches the fixture control a light (col. 6 lines 44-48).

Regarding claim 5, Dykema et al. teaches a transceiver 58 for receiving wireless signal (figure 5) and a controller 57 connected to the transceiver and validate the wireless signal (col. 14 line 62-col. 15 line 10).

Regarding claims 6, 16, and 19, Dykema et al. teaches a program button operative with said controller; a memory device associated with said controller, and wherein actuation of said program button places said controller in a learn mode such that any valid signal received while in said learn mode is stored in said memory device (col. 6 lines 3-27). Dykema et al. teaches the system is used to control a light (col. 6 lines 44-48). The controlling of a light inherently includes an on/off switch. Dykema et al. teaches an indicator in the form of LED associated with the controller for indicating various conditions such as on/off (col. 7 lines 25-37).

Regarding claim 20, Dykema et al. teaches the learning of a valid transmitter wireless signal and a valid operator wireless signal by said controller initiates illumination of one of said indicators in a predetermined manner (col. 7 lines 23-25).

Regarding claims 21-23, Dykema et al. teaches the receipt of a valid signal enable the operation of the load (col. 6 lines 44-55). Dykema et al. also teaches an indicator in the form of LED associated with the controller for indicating various operating conditions (col. 7 lines 25-

Regarding claims 17-18, Dykema et al. teaches a transmitter 65 for operating the garage door and the transmitter is identified by its identification code (col. 6 lines 48-51) and is therefore distinguishable from other transmitters.

Regarding claims 29-31, Dykema et al. teaches the transceiver of the garage door opener is trained to match the frequency of the transmitter (col. 2 lines 12-14) and the antenna is dynamically tuned to selectively adjust the frequency of the transmitted or received signal (col. 8 lines 5-9) suggesting a first and second frequency for transmitting and receiving the control signal. .

Claims 8 and 33-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykema et al. US Patent 5661804 in view of Burgess US Patent 6617975 and further in view of Tsui US Patent Application Publication 20040008798.

Regarding claims 8 and 33-36, Dykema et al. teaches remote transmitter has plurality of function buttons, for controlling various devices including lighting and garage door (col. 6 lines 44-48, col. 6 lines 44-50) but is silent on teaching actuation of a first button of said remote transmitter in said learn mode designates the first button as a barrier command, and wherein actuation of any other button of said remote transmitter while in the learn mode designates said other button as a work light command. Tsui in an art related remote transmitter invention teaches programming the keys of a remote transmitter to activate device based on user preferences (paragraph 0018).

It would have been obvious to one of ordinary skill in the art for the actuation of a first button of the remote transmitter in the learn mode designates the first button as a barrier

Art Unit: 2612

command, and wherein actuation of any other button of said remote transmitter while in the learn mode designates said other button as a work light command in Dykema et al. in view of Burgess as evidenced by Tsui because Dykema et al. in view of Burgess suggests remote transmitter has plurality of function buttons, for controlling various devices and programming the keys of a remote transmitter to activate particular devices allows the user to programmed the transmitter keys according to his/her preferences.

Regarding claim 37, Dykema et al. teaches a memory associated with the controller for storing a valid signal during the learn mode (col. 5 lines 2-11).

Regarding claim 38, Dykema et al. teaches the fixture control a light (col. 6 lines 44-48).

Regarding claims 39-43, Dykema et al. teaches a transmitter 65 for operating the garage door when the wireless signal transmitted from the transmitter is validated(col. 6 lines 48-51). The transmitter is identified by its identification code (col. 6 lines 48-51) and is therefore distinguishable from other transmitters.

Regarding claim 44, Dykema et al. teaches the system is used to control a light (col. 6 lines 44-48). The controlling of a light inherently includes an on/off switch. Dykema et al. teaches an indicator in the form of LED associated with the controller for indicating various conditions such as on/off (col. 7 lines 25-37).

Regarding claim 45, Dykema et al. teaches a program button operative with said controller; a memory device associated with said controller, and wherein actuation of said

Art Unit: 2612

program button places said controller in a learn mode such that any valid signal received while in said learn mode is stored in said memory device (col. 6 lines 3-27).

Regarding claims 46-48, Dykema et al. teaches the receipt of a valid signal enable the operation of the load (col. 6 lines 44-55). Dykema et al. also teaches an indicator in the form of LED associated with the controller for indicating various operating conditions (col. 7 lines 25-37).

Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykema et al. US Patent 5661804 in view of Burgess US Patent 6617975 in view of Tsui US Patent Application Publication 20040008798 and further in view of Sunan et al. US Patent 5903226

Regarding claims 9-13, Dykema et al. teaches the remote transmitter is used to control lighting (col. 6 lines 44-48) but is silent on teaching illuminating the light for only a predetermined time. Sunnan et al. teaches illuminating a light for a predetermine period of time when the garage door is open or closed (col. 5 lines 52-60) in order to provide lighting for the user and to ensure that the light is only turned on when it is needed. Sunan et al. further teaches the transmitter include up/down button (16), delay close button (col. 5 line 60), pet height button (col. 8 lines –33) and a door profile button (col. 7 lines 46-56) in order to provide for the convenient and safe operation of the barrier.

It would have been obvious to one of ordinary skill in the art to illuminate the light for only a predetermined time in Dykema et al. in view of Burgess in view of Tsui as evidenced by Lai because Dykema et al. in view of Burgess in view of Sunnan et al. suggests control a light

Art Unit: 2612

using a remote control and illuminating the light for a period of time ensure that the light is only turned on when it is needed and the use of up/down button, delay close button, pet height button and a door profile button provides for the convenient and safe operation of the barrier.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dykema et al. US Patent 5661804 in view of Burgess US Patent 6617975 and further in view of Huang et al. US Patent 6334636.

Regarding claim 24, Dykema et al. teaches transmitting a control signal to operate the barrier (col. 6 lines 55-66) but is silent on teaching actuation of the on button turns the load on and precludes said controller from receiving any wireless signals, and wherein actuation of the off button turns the load off and allows the controller to receive any valid wireless signals. Huang et al. in an art related remote locking device teaches a control signal to ignore the locking or unlocking from a remote controller (col. 4 lines 24-29) in order to allow manual operation of the locking mechanism and prevent the use of the remote control while the barrier is manually activated.

It would have been obvious to one of ordinary skill in the art for the actuation of the on button turns the load on and precludes said controller from receiving any wireless signals, and wherein actuation of the off button turns the load off and allows the controller to receive any valid wireless signals in Dykema et al. in view of Burgess as evidenced by Huang et al. because disabling the wireless receiver when the load is on enables the manual operation of the locking mechanism and prevent the use of the remote control while the barrier is manually activated.

Art Unit: 2612

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dykema et al. US Patent 5661804 in view of Burgess US Patent 6617975 in view of Tsui US Patent Application Publication 20040008798 and further in view of Huang et al. US Patent 6334636.

Regarding claim 49, Dykema et al. teaches transmitting a control signal to operate the barrier (col. 6 lines 55-66) but is silent on teaching actuation of the on button turns the load on and precludes said controller from receiving any wireless signals, and wherein actuation of the off button turns the load off and allows the controller to receive any valid wireless signals. Huang et al. in an art related remote locking device teaches a control signal to ignore the locking or unlocking from a remote controller (col. 4 lines 24-29) in order to allow manual operation of the locking mechanism and prevent the use of the remote control while the barrier is manually activated.

It would have been obvious to one of ordinary skill in the art for the actuation of the on button turns the load on and precludes said controller from receiving any wireless signals, and wherein actuation of the off button turns the load off and allows the controller to receive any valid wireless signals in Dykema et al. in view of Burgess in view of Tsui as evidenced by Huang et al. because disabling the wireless receiver when the load is on enables the manual operation of the locking mechanism and prevent the use of the remote control while the barrier is manually activated.

Claims 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykema et al. US Patent 5661804 in view of Burgess US Patent 6617975 and further in view of Meier US Patent 6323566.

Art Unit: 2612

Regarding claims 51 and 53, Dykema et al. teaches receiving wireless signals to control the motorized barrier (col. 6 lines 55-66) providing a switch for enabling the operation of the load and also teaches the antenna is dynamically tuned to selectively adjust the frequency of the transmitted or received signal (col. 8 lines 5-9) but is silent on teaching the transmitter generate in one frequency range receivable by the device or the operator and the device or the operator transmit the wireless signal in an other frequency range. Meier in an art related access control system teaches a system receiving a wireless signal in the RF range and transmit in the low frequency range(col. 3 lines 25-40).

It would have been obvious to one of ordinary skill in the art to modify the system of Dykema et al. in view of Burgess as disclosed by Meier because receiving the wireless signal in a first range and transmitting the wireless signal in a different frequency range serves the purpose of optimizing the control system.

Regarding claims 52, Dykema et al. teaches the fixture control a light (col. 6 lines 44-48).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2612

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

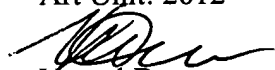
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/782,558

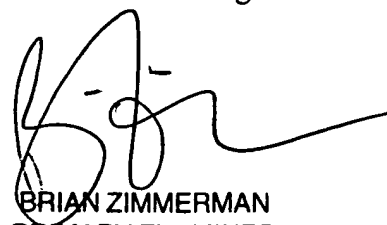
Art Unit: 2612



Vernal Brown

August 15, 2006

Page 13



BRIAN ZIMMERMAN
PRIMARY EXAMINER